

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

ROGER LEE DEAL, SR.,

Plaintiff,

v.

1:13-cv-00552

SARGENT O'NEILL, et. al.,

Defendants.

DENIAL OF ENTRY OF DEFAULT - AMENDED

This matter comes before the undersigned Clerk of Court upon Plaintiff's Declaration for Entry of Default against Defendants, which was filed on December 4, 2013. Neither **Plaintiff's** declaration nor the docket shows any evidence that Defendants have been served with a copy of the summons and complaint.

Federal Rule of Civil Procedure 55(a) requires a clerk to enter default when a defendant has "failed to plead or otherwise defend." In this case FRCP 55 has not been met as Plaintiff has not demonstrated that Defendants have been properly served and have an obligation to file an answer. Consequently, Plaintiff's request for entry of default is denied.

This the 9th day of December, 2013.

/s/ John Brubaker

Clerk of Court